

1. (currently amended) An ambulatory device comprising a U-shaped frame having a closed rear end, two sides, and an open front end, said U-shaped frame having two small front wheels and two large rear wheels attached thereto, a seat attached to the rear of the U-shaped frame, and a support system attached to the rear end of the U-shaped frame, which support system comprises a support frame having a vertical section and a horizontal section, a body halter having straps, which straps are connected by connectors to a swivel bar, which swivel bar is connected to a support bar, which bar is a straight piece that is longer than it is wide, and which support bar is connected via control connectors through a pulley system to a winch on the vertical section of the support frame.
2. (previously amended) The ambulatory device of claim 1 wherein an electronic scale is located above the winch and the electronic scale is connected to the winch and the support bar by the control connectors.
3. (original) The ambulatory device of claim 1 wherein the large rear wheels contain hand grasps.
4. (original) The ambulatory device of claim 1 wherein the two sides contain hand rails
5. (original) The ambulatory device of claim 1 wherein the vertical section of the support frame contains a height-adjusting mechanism.
6. (original) The ambulatory device of claim 1 wherein the seat is foldable.

The claims now in the case are claims 1-6.

Claim 1 has been amended to further limit the definition of the support bar. No showing under 37 CFR 1.116(c) is necessary as this amendment adopts the examiner's suggestion which was helpfully given in the paragraph bridging pages 5 and 6 of the Office Action.

The Examiner is thanked for withdrawing the objections to the drawings, the specification, and claim 2.

The Examiner is also thanked for withdrawing the rejection of claims 1-6 based on the second paragraph of 35 USC 112.

Claims 1, 4 and 5 remain rejected under 35 USC 102(b) as anticipated by Mah for the reasons expressed in the paragraph bridging pages 2 and 3 of the Office Action. This rejection is traversed.

The remarks set forth in the previous response relative to this rejection as they apply to claims 1, 4, and 5 are not completely rewritten, but are carried forward unchanged from the earlier response in order to condense the record. Additionally, it is pointed out that that the support bar is now defined by its accepted dictionary definition. This definition is clearly not anticipated by the Mah reference, and the withdrawal of the rejection is considered to be appropriate.

It appears that the rejection relies upon the interpretation of a number of terms. Specifically, these are "support bar," "straps," and, in claim 4, "handrails". In regard to the proffered amendment, even if this amendment is not entered, the dictionary definition should be assumed for this term as for all terms in the claims unless there is some special meaning given to a term by applicant which would be different than the dictionary

definition. Applicant has not suggested that anything other than the usual dictionary definition be used for the terms in question.

It is the Examiner's contention that a shackle anticipates a support bar, unidentified lines in a body halter anticipate straps, and, in claim 4, a device containing a chair that has armrests anticipates a device that calls for a seat attached to the rear of a U-shaped frame and separate handrails that are attached to the sides of the U-shaped frame.

Regarding the interpretation of the above words, the attention of the Examiner is called to the decision of *Autogiro Company of America v. The United States*, 155 USPQ 697 (US Ct. Cls. 1967). The Court stated:

The necessity for a sensible and systematic approach to claim interpretation is axiomatic. The Alice-in-Wonderland view that something means whatever one chooses it to mean makes for enjoyable reading, but bad law. Claims are best construed in connection with the other parts of the patent instrument and with the circumstances surrounding the inception of the patent application. Doble Engineering Co. v. Leeds & Northrup Co., 134 F.2d 78 (1st Cir. 1943). In utilizing all the patent documents, one should not sacrifice the value of these references by the "unimaginative adherence to well-worn professional phrases." Frankfurter, *supra*, at 529. Patent law is replete with major canons of construction of minor value which have seldom provided useful guidance in the unraveling of complex claims. Instead, these canons have only added confusion to the problem of claim interpretation. Doble Engineering Co. v. Leeds & Northrup, *supra*, at 84.

In deriving the meaning of a claim, we inspect all useful documents and reach what Justice Holmes called the "felt meaning" of the claim. In seeking this goal, we make use of three parts of the patent: the specification, the drawings, and the file wrapper.

In consulting the specification, the drawings, and the file wrapper, it is now clear that the examiner's interpretation of the above terms cannot stand. Using the proper interpretation of these terms, the rejection is improper. Withdrawal of the rejection of claims 1, 4, and 5 under 35 USC 102(b) is solicited.

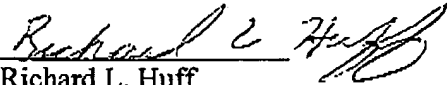
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Claims 2, 3, and 6 remain rejected under 35 USC 103(a) for the several reasons set forth by the Examiner on pages 3 and 4 of the Office Action. These rejections are traversed.

The substantive arguments put forth in the earlier response are carried forward unchanged from the earlier arguments. The allowance of claim 1 for the reasons set forth above would justify the allowance of claims 2, 3, and 6. The doctrine set forth in In re Fine, 5 USPQ2d 1596, (Fed Cir. 1988) applies here.

For the above reasons, it is believed that claims 1-6 are allowable and a notice to that effect is solicited.

Respectfully submitted,


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